

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

<p>IN RE:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO, et al., THE EMPLOYEE'S RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO, AND THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY</p> <p style="text-align: center;">Debtors¹</p>	<p style="text-align: center;">PROMESA TITLE III</p> <p>Case No. 17-BK-3283 (LTS)</p>
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**SUCESIÓN PASTOR MANDRY MERCADO'S MOTION FOR
JOINDER TO THE RESPONSE TO "INFORMATIVE MOTION OF
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD
REGARDING STATUS OF PLAN IMPLEMENTATION" FILED BY
FINCA MATILDE INC.**

TO THE HONORABLE COURT:

COME NOW, excepting Javier Mandry Mercado, Oscar Adolfo Mandry Aparicio; María del Carmen Amalia Mandry Llombart; Selma Verónica Mandry Llombart; María del Carmen Llombart Bas; Oscar Adolfo Mandry Bonilla; Gustavo Alejandro Mandry Bonilla; Yvelise Helena Fingerhut Mandry; Margaret Ann Fingerhut Mandry; Victor Robert Fingerhut Mandry; Juan Carlos Esteva Fingerhut;

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 35(787)66-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

Pedro Miguel Esteva Fingerhut; Mariano Javier McConnie Fingerhut; Janice Marie McConnie Fingerhut, Victor Michael Fingerhut Cochran; Michelle Elaine Fingerhut Cochran; Rosa Estela Mercado Guzmán; Eduardo José Mandry Mercado; Salvador Rafael Mandry Mercado; Margarita Rosa Mandry Mercado; Adrián Roberto Mandry Mercado members of the estate of Pastor Mandry Mercado (hereafter collectively designated as “Sucesión Mandry Mercado”), and file the instant Motion for Joinder, (“Joinder”) to the *Response To “Informative Motion Of Financial Oversight And Management Board Regarding Status Of Plan Implementation” filed by Finca Matilde Inc. at Docket No. 20248* (the “Response”) and respectfully states and requests as follows:

1. Sucesión Mandry Mercado joins the response filed by Finca Matilde Inc. to the *Informative Motion of Financial Oversight and Management Board Regarding Status of Plan Implementation* (“Informative Motion”) filed by the FOMB at Docket No. 20165 on February 17, 2022.

2. Sucesión Mandry Mercado also joins the legal grounds and arguments raised by Finca Matilde, Inc. in the Response since under the terms of the Confirmation Order and Judgment Confirming the Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority entered on January 18, 2022 at Docket No. 19813, full payment of all claims in Class 58.1 as to the Treatment of Eminent Domain/Inverse Condemnation Claims is directed to be made on the Effective Date of the Confirmed Plan.

3. The judgment in favor of Sucesión Mandry Mercado was entered by the Court of First Instance of Puerto Rico, Superior Section of Ponce, in the case styled *Salvador Eduardo Mandry Nones, et. als. V. Estado Libre Asociado de Puerto Rico, et.*

als. Case No. JAC 2008-0853 (605) on August 6, 2019 (the “Judgment”). The Judgment directs the Commonwealth to pay Sucesión Mandry Mercado just compensation for the taking of its real property in the amount of \$30,496,000.00, plus interest thereon as of August 9, 2008, until its full payment, the computation of the interest to be effected in accordance with the rates prevailing in the market, as set forth in Regulation 78 of the Office of the Commissioner of Financial Institutions of Puerto Rico pursuant to their semester variations from August 9, 2009 until payment in full to Sucesión Mandry Mercado, computed as simple interest under to Rule 44.1 of Puerto Rico’s Rules of Civil Procedure. The firm Judgment was confirmed on September 14, 2021, by the Puerto Rico Court of Appeals (the “Court of Appeals”) in Case No. KLAN2019-01253. On January 21, 2022, the Supreme Court of Puerto Rico in Case No. CC-2021-0762, denied the Commonwealth of Puerto Rico’s (the “Commonwealth”) petition for certiorari of the judgment of the Court of Appeals, as to which on February 9, 2022, the Commonwealth requested reconsideration, opposed by Sucesión Mandry Mercado on February 11, 2022, matter which is still pending.

4. Sucesión Mandry Mercado also agrees with Finca Matilde Inc.’s assertion that the stay of the Effective Date of the Plan has not been requested by the FOMB and therefore, its March 15, 2022, effective date is in full force and effect, mandating payment of the full amount of the Judgment in the event of the denial of the Commonwealth’s motion for reconsideration.

5. Most importantly, a purview of the Informative Motion filed by the FOMB at Docket No. 20165 appears to be an attempt to procedurally by-pass the effects of the Effective Date of the Confirmed Plan by referencing the appeal provision included in Class 58.1 as an “implied” stay, without complying with the requirements of the Procedural Rules and without filing a motion for stay pending appeal.

6. Since the Court has not stayed the effects of the Confirmation Order and the

FOMB has not requested it, the FOMB is time barred to do so now and therefore, Sucesión Mandry Mercado must be paid the Judgment in full as of the effective date of the Plan, upon denial of the Commonwealth's pending motion to reconsider by the Puerto Rico Supreme Court. The Informative Motion filed by the FOMB cannot be used as an alternative to move the Court for a stay pending appeal.

7. Sucesión Mandry Mercado reserves all of its rights to be heard at any hearing regarding the Informative Motion, the Response and the instant joinder, and to respond to any objections thereto.

WHEREFORE, Sucesión Mandry Mercado respectfully requests that the Court take notice of the instant motion.

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Bankruptcy Court using the CM/ECF system, which will send electronic notification to all participants in the captioned case.

San Juan, Puerto Rico, on March 10th, 2022.

s/CHARLES A. CUPRILL- HERNÁNDEZ
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